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## TELECOPY ORDER FORM

(206) 553-0165

TO: Carla Fisher/EPA OFFICE: FAX#:

FROM: F. DAMRON CH2M HILL/ANC

DATE: 1/15/91 Omnifax G35

EMPLOYEE#: 3228 (907) 278-2551/office

JOB#: ANC26264.A1 (907) 278-9111/fax

NUMBER OF PAGES (INCLUDING COVER): 7

BY ORIGINAL: YES ☒ NO

ADDITIONAL INSTRUCTIONS/COMMENTS:

Carla - Please let me know if Anchorage should have any areas of concern for permit renewal other than 30% BOD removal.

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**Modification of  
Secondary Treatment Requirements  
for Discharges  
to Marine Waters [301(h) Regulations]**

***Proposed Rule***

**January, 1991**

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## **Introduction**

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### **The 301(h) Waiver Program**

- Created in the CWA Reauthorization of 1977. In the past 12 years, regulations have been revised three times.
- Issues waivers from secondary treatment requirements to publicly-owned treatment works which can meet specified criteria.
- Granted 49 301(h) waivers out of 208 original applications received prior to the December 29, 1982 deadline. Discharge permits must be renewed every five years.
- Overall status of the program:
  - 39 Active 301(h) Waivers
  - 82 Withdrawn/Did Not Reapply/No Longer Eligible (Trust Territories)
  - 13 Pending Final Decisions
  - 74 Denied Applications

**Contact: Virginia Fox-Norse, (202) 475-7129**

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AWWU-3335-ARCTIC

93

To receive a 301(h) waiver, a discharger must demonstrate compliance with the following environmental/pollution reduction criteria:

Discharge Waivers	Allows waiver for discharger to stressed ocean waters only if applicant can demonstrate that its discharge does not contribute to, perpetuate or inhibit recovery from stressed conditions
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2



## Highlights

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### Highlights of Proposed Rule

- **Authority:** These regulations are in response to 1987 amendments to the Clean Water Act.
- **Previous Regulations:** This proposed rule revises 40 CFR Part 125, Subpart G, which provides for modifications of secondary treatment requirements for discharges into marine waters by publicly owned treatment works (POTWs) that demonstrate compliance with 301(h) criteria.
- **Primary Treatment Floor:** A primary treatment floor is set at 30% removal of total suspended solids and biochemical oxygen-demanding material. (10 POTWs will be affected by this provision.)
- **Secondary Treatment Equivalency:** Secondary toxics removal equivalency may be demonstrated by either:
  - Use of a secondary treatment pilot plant
  - Development and implementation of local pretreatment limits. (11 POTWs will be affected.)
- **Water Quality Criteria:** State water quality criteria under Section 304(a)(1) must be met. In the absence of state criteria, EPA criteria must be met.
- **Carcinogenic Water Quality Standard:** Where no numerical State water quality standard for a particular carcinogenic pollutant exists, the applicant must comply with a value adopted by EPA or a value consistent with the State's value.
- **Deadline.** 301(h) waiver recipients must comply with this proposed rule within two years from promulgation or upon permit renewal, whichever is later.
- **Public Hearing.** A public hearing on proposed regulations will be held at the main auditorium of the EPA Education Center in Washington, DC on March 7, 1991 from 1:00 to 5:00 pm.

## Major Provisions of Proposed 301(h) Rule

Area	Description
Secondary Treatment Equivalency for Toxics	<ul style="list-style-type: none"> <li>✓ Applies only to municipal treatment facilities that service a population of 50,000 or greater.</li> <li>✓ Applicants must demonstrate that the facility will not discharge toxic pollutants into the ocean in concentrations greater than would be the case if the effluent had had secondary treatment.</li> <li>■ Applicants can achieve secondary equivalency if they establish secondary pretreatment standards for toxic pollutants from all industrial dischargers.</li> <li>■ Applicants can also achieve secondary equivalency by performing a treatment test on a side stream from its primary system discharge.</li> </ul>
Primary Treatment Removal Requirements	<ul style="list-style-type: none"> <li>✓ Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) must be reduced 30% from the levels entering the treatment system.</li> <li>■ These requirements are intended to ensure that the system is well designed and operated.</li> </ul>
Compliance With EPA Water Quality Criteria	<ul style="list-style-type: none"> <li>✓ Permittees are required to meet EPA's water quality criteria in addition to applicable State water quality standards.</li> <li>■ Where a numerical State water quality standard for a particular toxic exists, the 301(h) applicant must comply with that value.</li> <li>■ Where no numerical State water quality standard for a particular non-carcinogenic pollutant exists, the 301(h) applicant must comply with EPA's numerical water quality criterion value.</li> <li>■ Where no numerical State water quality standard for a particular carcinogenic pollutant exists, the 301(h) applicant must comply with a value adopted by EPA. If EPA has not promulgated a standard, the applicant must comply with a value consistent with the State's value.</li> </ul>
Other Revisions	<ul style="list-style-type: none"> <li>✓ Exempts applicants with tentative or final waiver approvals until permit renewal or within 2 years of promulgation of this rule, whichever is later (pertains to primary and secondary treatment requirements and compliance with water quality criteria).</li> <li>✓ Adds New York Bight Apex and stressed saline estuarine waters to the list of locations where less than secondary treatment is prohibited.</li> <li>✓ Limits the scope of monitoring to only that which is necessary to study the effects of the modified discharge.</li> </ul>
KEY	<ul style="list-style-type: none"> <li>✓ Required by law</li> <li>■ Proposed in regulations</li> </ul>



# Who's Affected By Treatment Requirements?

Name	State	Region	Need to Upgrade Primary Treatment Facilities	Need to Comply With Secondary Treatment Equivalency
<i>Applications in Final Approval</i>				
Anchorage	AK	X		✓
Haines	AK	X	✓	
Ketchikan	AK	X	✓	
Pelican	AK	X	✓	
Petersburg	AK	X	✓	
Skagway	AK	X	✓	
Whittier	AK	X	✓	
Wrangell	AK	X	✓	
Goleta	CA	IX		✓
Orange County	CA	IX		✓
Rye	NH	I	✓	
<i>Applications Pending</i>				
Honouliuli (Honolulu)	HI	IX		✓
Stonington	ME	I	✓	
Aguadilla	PR	II		✓
Arecibo	PR	II		✓
Bayamon	PR	II		✓
Carolina	PR	II		✓
Dorado	PR	II		✓
Mayaguez	PR	II		✓
Ponce	PR	II		✓
Charlotte Amalie (St. Thomas)	VI	II	✓	
TOTALS	7	4	10	11